

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf  
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the  
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**PLAINTIFFS' MOTION TO SEAL  
HYATT DECLARATION AND  
ATTACHED EXHIBIT IN SUPPORT OF  
MOTION TO COMPEL NAMED  
PLAINTIFFS' A-FILES**

**Noting Date: January 24, 2020**

**I. INTRODUCTION**

Plaintiffs respectfully request leave to keep the Declaration of Heath Hyatt in Support of Plaintiffs' Motion to Compel Named Plaintiffs' A-Files ("Hyatt Declaration") and the attached exhibit under seal. On January 24, 2020, Plaintiffs filed a Reply in support of Plaintiffs' Motion to Compel information in Named Plaintiffs' A-Files that appears to be particularly relevant to Plaintiffs' challenge of the Controlled Application Review and Resolution Program ("CARRP") and related extreme vetting programs. In support of that motion, Plaintiffs filed the Hyatt Declaration with attached Exhibit A. Exhibit A includes documents produced to Plaintiffs under an Attorneys-Eyes-Only Order (Dkt. 274), and the Declaration includes information from those documents.

1 Defendants maintain the Attorneys Eyes Only designation of these documents and  
2 information even after meeting and conferring with Plaintiffs. Plaintiffs have provisionally filed  
3 the Hyatt Declaration and attached Exhibit A under seal.

## 4 **II. CERTIFICATION**

5 Pursuant to LCR 5(g)(3)(A), Plaintiffs certify that the parties met and conferred  
6 telephonically regarding the need for this motion on January 24, 2020. The parties to this meet  
7 and confer included Nicholas Gellert, Heath Hyatt, and Paige Whidbee for Plaintiffs, and  
8 Brendan Moore, Ethan Kanter, Kathryn Davis, and possibly other Department of Justice counsel  
9 for Defendants. The parties also exchanged electronic correspondence regarding this motion.  
10 Defendants have requested that the request to seal be made by motion.

## 11 **III. ARGUMENT**

12 Plaintiffs move to keep under seal the Hyatt Declaration and attached Exhibit A because  
13 includes documents produced to Plaintiffs under an Attorneys-Eyes-Only Order (Dkt. 274), and  
14 the Declaration includes information from those documents. Defendants maintain the Attorneys  
15 Eyes Only designation of these documents and information. Defendants will presumably file a  
16 statement explaining why this material should remain under seal as required by LCR 5(g). *See*  
17 LCR 5(g)(3) (“the party who designated the document confidential must satisfy subpart (3)(B) in  
18 its response to the motion to seal or in a stipulated motion.”).

Respectfully submitted,

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DATED: January 24, 2020

s/ Harry H. Schneider, Jr.  
s/ Nicholas P. Gellert  
s/ David A. Perez  
s/ Heath L. Hyatt  
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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on the date indicated below, I caused service of the foregoing document via the CM/ECF system, which will automatically send notice of such filing to all counsel of record.

DATED January 24, 2020 at Washington, D.C.

By: s/ Heath Hyatt

Heath Hyatt, WSBA No. 54141

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